

STAYED, TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01531-RCL**

AMERICAN IMMIGRATION COUNCIL v. U.S.
IMMIGRATION & CUSTOMS ENFORCEMENT et al
Assigned to: Judge Royce C. Lamberth
Cause: 05:552 Freedom of Information Act

Date Filed: 06/27/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**AMERICAN IMMIGRATION
COUNCIL**

represented by **Christopher James Asta**
WILMER CUTLER PICKERING HALE
AND DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
202-663-6332
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

David Pu Yin
WILMER CUTLER PICKERING HALE
AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
202-663-6677
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jonathan G. Cedarbaum
WILMER HALE
1875 Pennsylvania Ave., NW
Washington, DC 20006
(202) 663-6315
Fax: (202) 663-6363
Email: jonathan.cedarbaum@wilmerhale.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emily Creighton
AMERICAN IMMIGRATION COUNCIL
Legal Department
1331 G Street, NW
Suite 200
Washington, DC 20005
(202) 507-7514
Fax: (202) 742-5619
Email: ecreighton@immccouncil.org
ATTORNEY TO BE NOTICED

John F. Walsh
WILMER CUTLER PICKERING HALE
& DORR LLP
1225 17th Street
Suite 2600
Denver, CO 80202
(720) 274-3154
Email: john.walsh@wilmerhale.com
TERMINATED: 03/29/2019

Ni Qian
 WILMER CUTLER HALE AND DORR
 LLP
 1875 Pennsylvania Avenue NW
 Washington, DC 20006
 (202) 663-6382
 Email: Ni.Qian@wilmerhale.com
 TERMINATED: 10/03/2018

V.

Defendant**U.S. IMMIGRATION & CUSTOMS ENFORCEMENT**

represented by **Marina Utgoff Braswell**
 U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-2561
 Fax: (202) 252-2599
 Email: Marina.Braswell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**U.S. CUSTOMS & BORDER PROTECTION**

represented by **Marina Utgoff Braswell**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**U.S. DEPARTMENT OF HOMELAND SECURITY**

represented by **Marina Utgoff Braswell**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/27/2018	<u>1</u>	COMPLAINT against U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Filing fee \$ 400 receipt number 0090-5558276) filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D1, # <u>5</u> Exhibit D2, # <u>6</u> Exhibit E1, # <u>7</u> Exhibit E2, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H1, # <u>11</u> Exhibit H2, # <u>12</u> Civil Cover Sheet, # <u>13</u> Summons US Customs & Border Protection, # <u>14</u> Summons US Department of Homeland Security, # <u>15</u> Summons US Immigration Customs Enforcement)(Qian, Ni) (Entered: 06/27/2018)
06/27/2018	<u>2</u>	Corporate Disclosure Statement by AMERICAN IMMIGRATION COUNCIL. (Qian, Ni) (Entered: 06/27/2018)
06/27/2018	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- John F. Walsh, :Firm- Wilmer Cutler Pickering Hale and Dorr LLP, :Address- 1225 Seventeenth St. Suite 2600 Denver, CO 80202. Phone No. - 720 274 3154. Fax No. - (720) 274-3133 Filing fee \$ 100, receipt number 0090-5558458. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Declaration of John F. Walsh in Support of Motion, # <u>2</u> Text of Proposed Order)(Qian, Ni) (Entered: 06/27/2018)
06/27/2018	<u>4</u>	WITHDRAWN PURSUANT TO ENTRY <u>7</u> MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Rachel Weiner Cohen, :Firm- Wilmer Cutler Pickering Hale and Dorr LLP, :Address- Rachel.Cohen@wilmerhale.com. Phone No. - 202 663 6068. Fax No. - (202) 663-6363 Filing fee \$ 100, receipt number 0090-5558596. Fee

		Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # 1 Declaration of Rachel W. Cohen in Support of Motion, # 2 Text of Proposed Order)(Qian, Ni) Modified on 7/27/2018 (zjf). (Entered: 06/27/2018)
06/27/2018	5	NOTICE of Appearance by Emily Creighton on behalf of AMERICAN IMMIGRATION COUNCIL (Creighton, Emily) (Entered: 06/27/2018)
06/27/2018		Case Assigned to Judge Royce C. Lamberth. (zsth) (Entered: 06/28/2018)
06/28/2018	6	SUMMONS (3) Issued Electronically as to U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Attachments: # 1 Notice and Consent)(zsth) (Entered: 06/28/2018)
06/28/2018		SUMMONS Not Issued as to US Attorney and US Attorney General. (zsth) (Entered: 06/28/2018)
07/25/2018	7	NOTICE OF WITHDRAWAL OF MOTION by AMERICAN IMMIGRATION COUNCIL re 4 MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Rachel Weiner Cohen, :Firm– Wilmer Cutler Pickering Hale and Dorr LLP, :Address– Rachel.Cohen@wilmerhale.com. Phone No. – 202 663 6068. Fax No. – (202) 663–6363 Filing fee & (Qian, Ni) (Entered: 07/25/2018)
07/30/2018	8	NOTICE of Appearance by Marina Utgoff Braswell on behalf of U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Braswell, Marina) (Entered: 07/30/2018)
08/03/2018	9	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/5/2018. Answer due for ALL FEDERAL DEFENDANTS by 8/4/2018. (Attachments: # 1 Summons Executed as to the US Department of Homeland Security, # 2 Summons Executed as to US Customs& Border Protection, # 3 Affidavit of Service as to US Attorney General Jeff Sessions, # 4 Affidavit of Service as to US Attorney's Office – District of DC)(Qian, Ni) (Entered: 08/03/2018)
08/03/2018	10	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Complaint</i> by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Braswell, Marina) (Entered: 08/03/2018)
08/03/2018	11	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CUSTOMS & BORDER PROTECTION served on 7/3/2018; U.S. DEPARTMENT OF HOMELAND SECURITY served on 7/3/2018; U.S. IMMIGRATION & CUSTOMS ENFORCEMENT served on 7/2/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/05/2018. (See Docket Entry 9 to view document) (jf) (Entered: 08/06/2018)
08/06/2018		NOTICE OF ERROR re 9 Summons Returned Executed in FOIA as to U.S. Attorney; emailed to Ni.Qian@wilmerhale.com, cc'd 7 associated attorneys -- The PDF file you docketed contained errors: 1. DO NOT REFILE – Counsel is reminded to docket all parts of their filing(s) (zjf,) (Entered: 08/06/2018)
08/08/2018	12	ORDER granting 10 Motion for Extension of Time to File Response/Reply to <i>Complaint</i> ; Responses due by 8/22/2018. Signed by Judge Royce C. Lamberth on 8/7/18. (lsj) (Entered: 08/08/2018)
08/16/2018	13	NOTICE of Appearance by John F. Walsh on behalf of AMERICAN IMMIGRATION COUNCIL (Walsh, John) (Entered: 08/16/2018)
08/22/2018	14	ORDER granting 3 Motion for Leave to Appear Pro Hac Vice. Signed by Judge Royce C. Lamberth on 8/21/18. (lsj) (Entered: 08/22/2018)
08/22/2018	15	ANSWER to Complaint by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT.(Braswell, Marina) (Entered: 08/22/2018)

08/29/2018	<u>16</u>	ORDER: Government shall produce a Vaughn index with a supporting motion to dismiss or motion for summary judgment, as appropriate, within 30 days of this date (see Order for details). Signed by Judge Royce C. Lamberth on 8/28/18. (lcrc13) (Main Document 16 replaced on 8/29/2018) (zlsj). (Entered: 08/29/2018)
08/29/2018		Set/Reset Deadlines: Vaughn Index with supporting Dispositive Motions or Summary Judgment motions due by 9/28/2018. (lsj) (Entered: 08/29/2018)
09/21/2018	<u>17</u>	Unopposed MOTION to Stay re <u>16</u> Scheduling Order, by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Braswell, Marina) (Entered: 09/21/2018)
09/27/2018	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Christopher James Asta, :Firm– Wilmer Cutler Pickering Hale and Dorr LLP, :Address– 1875 Pennsylvania Avenue NW, 20006. Phone No. – 202–663–6332. Fax No. – (202) 663–6363 Filing fee \$ 100, receipt number 0090–5709861. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Declaration of Christopher Asta, # <u>2</u> Text of Proposed Order)(Walsh, John) (Entered: 09/27/2018)
09/27/2018	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– David P. Yin, :Firm– Wilmer Cutler Pickering Hale and Dorr LLP, :Address– 1875 Pennsylvania Avenue NW, 20006. Phone No. – 202–663–6677. Fax No. – (202) 663–6363 Filing fee \$ 100, receipt number 0090–5710071. Fee Status: Fee Paid. by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Declaration of David P. Yin, # <u>2</u> Text of Proposed Order)(Walsh, John) (Entered: 09/27/2018)
10/03/2018	<u>20</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN IMMIGRATION COUNCIL. Attorney Ni Qian terminated. (Qian, Ni) (Entered: 10/03/2018)
10/05/2018	<u>21</u>	ORDER granting <u>19</u> Motion for Leave to Appear Pro Hac Vice. Signed by Judge Royce C. Lamberth on 10/05/2018. (lcrc13) (Entered: 10/05/2018)
10/05/2018	<u>22</u>	ORDER granting <u>18</u> Motion for Leave to Appear Pro Hac Vice. Signed by Judge Royce C. Lamberth on 10/05/2018. (lcrc13) (Entered: 10/05/2018)
10/05/2018	<u>23</u>	ORDER granting <u>17</u> Motion to Stay proceedings until October 15, 2018. The Court further ORDERS the parties to file a proposed schedule for further proceedings on or before October 15, 2018. Signed by Judge Royce C. Lamberth on 10/05/2018. (lcrc13) Modified on 10/9/2018 (zlsj). (Entered: 10/05/2018)
10/15/2018	<u>24</u>	Unopposed MOTION for Extension of Time to File <i>Joint Schedule for Further Proceedings</i> by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Braswell, Marina) (Entered: 10/15/2018)
10/17/2018	<u>25</u>	ORDER granting <u>24</u> Motion for Extension of Time to File. The parties shall file a proposed schedule by 10/19/2018. Signed by Judge Royce C. Lamberth on 10/17/18. (lcrc13) (Entered: 10/17/2018)
10/19/2018	<u>26</u>	Joint MOTION for Scheduling Order (<i>Joint Motion for Entry of Scheduling Order</i>), by AMERICAN IMMIGRATION COUNCIL (Attachments: # <u>1</u> Text of Proposed Order)(Walsh, John) (Entered: 10/19/2018)
11/26/2018	<u>27</u>	ORDER granting <u>26</u> Joint Proposed Scheduling Order. Signed by Judge Royce C. Lamberth on 11/21/2018. (lcrc13) (Entered: 11/26/2018)
12/04/2018	<u>28</u>	MOTION for Extension of Time to <i>Comply with December 5, 2018, and December 10, 2018</i> by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Braswell, Marina) (Entered: 12/04/2018)
12/06/2018	<u>29</u>	Memorandum in opposition to re <u>28</u> MOTION for Extension of Time to <i>Comply with December 5, 2018, and December 10, 2018 and request for expedited consideration</i> filed by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> [Plaintiff's Proposed] Scheduling Order, # <u>2</u> Declaration of David P. Yin in Support of Plaintiff's Brief in Opposition to Defendants' Motion for Extension of Time, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B)(Walsh, John) (Entered: 12/06/2018)

12/06/2018	<u>30</u>	MOTION to Expedite Consideration by AMERICAN IMMIGRATION COUNCIL. (See Docket Entry <u>29</u> to view document). (znmw) (Entered: 12/10/2018)
12/13/2018	<u>31</u>	REPLY to opposition to motion re <u>28</u> MOTION for Extension of Time to <i>Comply with December 5, 2018, and December 10, 2018 Deadlines</i> filed by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Attachments: # <u>1</u> Holzer Declaration)(Braswell, Marina) (Entered: 12/13/2018)
01/11/2019	<u>32</u>	MOTION to Stay (<i>Defendants' Motion to Stay Proceedings in Light of Lapse in Appropriations</i>) by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Braswell, Marina) (Entered: 01/11/2019)
01/14/2019	<u>33</u>	Memorandum in opposition to re <u>32</u> MOTION to Stay (<i>Defendants' Motion to Stay Proceedings in Light of Lapse in Appropriations</i>) filed by AMERICAN IMMIGRATION COUNCIL. (Walsh, John) (Entered: 01/14/2019)
01/24/2019	<u>34</u>	ORDER granting <u>32</u> Motion to Stay. Signed by Judge Royce C. Lamberth on 1/24/2019. (lcrc12) (Entered: 01/24/2019)
02/08/2019	<u>35</u>	NOTICE to the Court by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT (Braswell, Marina) (Entered: 02/08/2019)
02/12/2019	<u>36</u>	RESPONSE re <u>35</u> Notice (Other) filed by AMERICAN IMMIGRATION COUNCIL. (Walsh, John) (Entered: 02/12/2019)
03/29/2019	<u>37</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN IMMIGRATION COUNCIL. Attorney John F. Walsh terminated. (Walsh, John) (Entered: 03/29/2019)
03/29/2019	<u>38</u>	STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Braswell, Marina) (Entered: 03/29/2019)
05/24/2019	<u>39</u>	STATUS REPORT by U.S. CUSTOMS & BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT. (Braswell, Marina) (Entered: 05/24/2019)
06/03/2019	<u>40</u>	NOTICE of Appearance by Jonathan G. Cedarbaum on behalf of AMERICAN IMMIGRATION COUNCIL (Cedarbaum, Jonathan) (Entered: 06/03/2019)
07/24/2019	<u>41</u>	STATUS REPORT by AMERICAN IMMIGRATION COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order)(Cedarbaum, Jonathan) (Entered: 07/24/2019)